

PROSTO/T

Jay B. Kasner
Scott D. Musoff
SKADDEN, ARPS, SLATE,
MEAGHER & FLOM LLP
Four Times Square
New York, New York 10036
(212) 735-3000

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Attorneys for Defendant Merrill Lynch & Co., Inc. and
Merrill Lynch, Pierce, Fenner & Smith Incorporated

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- x
Frederick Burton, Individually And On Behalf of All :
Others Similarly Situated, : 08 CV 03037 (LAP)

Plaintiff, : STIPULATION AND ORDER
v. :
----- x

Merrill Lynch & Co., Inc. and Merrill Lynch, Pierce,
Fenner & Smith, Inc., :
----- x

Defendants. :
----- x

IT IS HEREBY STIPULATED AND AGREED by and between the
undersigned counsel for the parties hereto that defendants' time to answer, move or
otherwise respond to the complaint is extended to 60 days after the service of a
consolidated amended complaint.

This is the first request for an extension of time by the parties.

Dated: New York, New York
April 24, 2008

Stephen A. Weiss/JG

Christopher A. Seeger
Stephen A. Weiss
David R. Buchanan
SEAGER WEISS LLP
One William Street, 10th Floor
New York, New York 10004
(212) 584-0700

JB

Jay B. Kasner
Scott D. Musoff
SKADDEN, ARPS, SLATE, MEAGHER &
FLOM LLP
Four Times Square
New York, New York 10036
(212) 735-3000

Attorneys for Plaintiff

To the extent that defendants deem the amended consolidated complaint to be deficient, they shall so notify plaintiff, describing the perceived deficiencies. Plaintiff shall, within a week thereof, inform defendants whether it furnishes to, and in the amended consolidated complaint or amends the general time to plaintiff decided to stand on the amended consolidated complaint no further amendments shall be permitted.

Loretta A. Fresh
U.S.D.J.

DATED: April 25, 2008

SO ORDERED: